G. R. S. IX-5]

Previous references.

Pleader

1918-19

(Courts)

File No. 57-18

Serial Nos. 142

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 142

Part B for November 18

SUBJECT.

Memorial of Bharma accused in Chittaldrug Sc case No. 8 of 17-18, praying for remission of sentence passed on him

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2)

To, The Registrar, Chief Court-

No. G. 7743. dt 28-10-18

Forwards for information to the Chief Court and to the prisoner, Bharma that his memorial has been rejected.

W D 88—GPB—50,000—24-7-18

Th. Ranjappa Rao

6/12/18

(For Disposal by Circulation)

No. C. 212

7.9.1918

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

(Clause vi of the Schedule)

Memorial of Bharma praying for the remission of the sentence of death passed on him in Chitaldrug Sessions case No.8 of 1917-18.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C S Balasundaram

6th Septr. 1918.

Chief *Secretary to Government.*

Extraordinary Member of Council.

First Member of Council. Opinion recorded.

Second Member of Council.

Extra Member of Council. Opinion recorded

WD 0470—A P B—1,000—11-5-17

G. R. S. III—1] 1918.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 5-7-18

FILE HEADING.

Memorial of Bharma accused in Chitaldrug Sessions Case no. 8 of 1917-18, praying for remission of sentence passed on him.

From

Registrar, Chief Court of Mysore

No. 145 Dated 19-8-18 Received 20-8-18

Diary No. 3037	Enclos. 3 file 7 records Spare Copies.	Serial No. 1.

BRIEF ABSTRACT OF LETTER.

Forwards the memorial with the entire record

NOTES AND ORDERS.

1) The accused pleaded guilty in the Court of Sessions and the Sessions Judge being convinced that the confession was purely a voluntary one, convicted the accused and sentenced him to death.

NOTES—First Sheet.

WD 1232—GPB—20,000—18-11-16

G. R. S. III-2j

General and Revenue Secretariat. | C5 File No. 57 of 1918.

Serial No.

The Chief Court have also felt certain that the confession was voluntary and confirmed the sentence of death.

The petitioner now prays for clemency, stating that he did not commit the crime.

Submd. for order.

8/9

22/8.

24/8

(1) Mefacts of this case are: One Simple Mudiyanse Borayya an agriculturist aged 33 was living in Gunipura, Jagalla Paluq. He had a first wife Sangawwa by whom he had a daughter, and had married Mahiriawa. The accused was in criminal intimacy with her, and there was a dispute between the deceased Borayya and the accused when the latter was seen chasing Hatel leaves with Giriawa. Subsequently the accused told Giriawa that he would murder the deceased. On the next morning the deceased Borayya was found murdered on his field. The accused was suspected and arrested, and he made a confession of his guilt to the First class Magistrate. In the enquiry before the Magistrate, he again confirmed his confession. He was committed for trial. In that Court he plead guilty to the charge, and admitted all that he had confessed before the Magt.

NOTE—Contn. sheet.

G. R. S. III-2j

General and Revenue Secretariat. | CS File No. 57 of 191 8.

Serial No.

9) Maybe dispensed by circulation

Dewan 29/8/18

10) Yes

3.9.18 Ho

11) Circulate

3/9/18

The memorial may be rejected

12) Peel 7.9.18.

I agree

13) 11.9

14) Draft D.F.O and D.S.O submitted.

18/9

18/9

In favour of approval 14/9

15) First Member

Offer

18/9

16) Fair note signed by 1st member

Sign up.

16/9/18

17) D.S.O submitted

Dewan 17/9/18

1660. 18.9.18

NOTE—Contn. sheet.

Final Note by the First Member of Council.

Subject:—

Memorial of Bharma praying for the remission of the sentence of death passed on him in Chitaldrug Sessions case No. 8 of 1917-18.

Pages 2 of office notes

The facts of the case are stated in paragraph 5 of the Notes in Courts file No.57 of 1918. Bharma was tried before the Sessions Judge, Shimoga, for the murder of one Borayya, an agriculturist aged about 55 . The prisoner made a confesssion of his guilt to the First class Magistrate, Chitaldrug. In the enquiry before the Magistrate he reiterated his confession.

V In the Sessions Court he pleaded guilty to the charge and admitted all that he had confessed before the Magistrate.

2. On appeal to the Chief Court, the Judges held that the

U confession was voluntary and confirmed the conviction and sentence of death passed on the memorialist by the Court of Sessions.

Paper under disposal 3. The memorialist now prays for mercy on the ground that in a quarrel he had with the deceased, some of his blows might have accidentlyykilled him.

4. A perusal of the records leaves no doubt that death was due to violence and that the memorialist is the person who caused the death.

Pages 3 & 4 of office Notes 5. The Council, accordingly, recommend that the memorial may be rejected.

19-Sept-1918

First Member of Council.

G. R. S. IV—6]

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* the memorial of Bharma praying for remission of the sentence of death passed on him in Chitaldrug Sessions Case No. 8 of 1917-18 *for His Highness' gracious approval.*

M. Visvesvaraya

Dewan.

19th Sep. 1918.

BR

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Memorial of Bharma praying for remission of the sentence of death passed on him in Chitaldrug Sessions case No.8 of 1917-18.

Order.

~~KRW~~
30/9/18

No. 3681
2.10.18

Chief Secretary
3.10.18

G. R. S. III-2

General and Revenue Secretariat.

C5 File No. 57 of 1918.

Serial No.

18) Srbd with a draft and fair order of H. H. Draft to Registrar is also put up.

8/10/18.

19) Srfawan of Dewans Signature

8/10

8/10/18 Submitted

Dewan

U J 9/10/18

20) Signed by the Dewan 11.10.18.

W 11/10/18

2 To, The Registrar, Chief Court

G 7743 dt 28-10-18

Forwards for information to the Chief Court and to the prisoner, Bharma that his memorial has been Rejec

NOTE—Contn. sheet.

Bangalore,

Dated 19th August 1918.

12519

From

THE REGISTRAR OF THE

CHIEF COURT OF MYSORE.

DIARY No. Q 3037.

19 -19

SECTION

FILE No.

To

THE Chief SECRETARY TO GOVERNMENT,
of Mysore

~~GENERAL AND REVENUE DEPARTMENTS.~~ Bangalore

Sir,

I am directed to forward a memorial addressed to His Highness the Maharaja by..... Bharma .....accused in Chitaldrug Sessions Case No. 8 of 1917-18 on the file of the Sessions Judge of Shimoga Division and appellant in Criminal Appeal No. 74 of 1917-18 on the file of this Court. Criminal Referred Case No: 9 of 1917-18.

The entire record of the case is herewith forwarded.

I have the honor to be,

Sir,

Your most obedient servant,

N. Gopalaiyar

Registrar.

GPB—1,000—16-8-12

No. 74
1917-18

Marked before me.

Clerk Jailer.

D. C. Jail

15/8/18

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Monday, the 5th day of August 1918.

P R E S E N T.

SIE LESLIE C. MILLER., KT., CHIEF JUDGE,

and

Mr, JUSTICE T. PARAMASIVA IYER.

Petition of Criminal Appeal No.74 of 1917-18/Criminal Referred Case No.9 of 1917-18 against the conviction and sentence by the Sessions Judge of Shimoga Division under section 302 of the Indian Penal Code in Chitaldrug Sessions Case No.8 of 1917-18.

APPELLANT.

Bharma

(Accused).

J U D G M E N T.

There is no doubt that the appellant is guilty: he pleaded guilty in the Court of Session and there is no reason to think that his confession there was otherwise than true and voluntary.

In his petition of appeal he says nothing which suggests any probability that his denial of guilt may be true. His suggestion that the villagers had a grudge against him because of his intimacy with Boriah's wife, though Boriah himself had no objection, is not even plausible,

The

The account of the murder given by the appellant in the Sessions Court shews that the crime was deliberate and without any kind of justification.

We confirm the conviction and sentence of death.

(SD) LESLIE C. MILLER,

CHIEF JUDGE.

(SD) T. PARAMASIVA IYER,

J U D G E.

"C O P Y"

DY: REGISTRAR.

MSC.

G. R S. VI—s-III-[33]

DRAFT.

SUBJECT .....

.....

.....

Section. cl5
File No. 57-18
Serial No. 2

No. G 7743

Enc 1 & 3 files of records (4)

Diary No. of letter replied to.....

To

The Registrar of the Chief Court of Mysore.

GENERAL AND REVENUE SECRETARIAT,
( )
the.....191 .

Date of issue 28-10-18

Signed by Rao G. S. Iyer

SIR,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoner Bharma

.....

undergoing sentence of death

.....

in the Bangalore Central Jail, copy of order passed by H. H. the Maharaja of Mysore, on the prisoner's memorial rejecting it

2. The entire records received with your letter No. 145 dated the 19th Aug 1918 are herewith returned.

I have, etc.,

28/10/18

For Chief Secretary.

30
8/10/18.

In the Matter of a Memorial of
Bharma praying for the remission of the sentence
of death passed on him in Chitaldrug
Sessions Case No. 8 of 1917-18

His Highness the Maharaja

directs

that the memorial be rejected

Dewan 11-10-18

Draft).